

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DON BARTHELME,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-17-962-M
)	
SETERUS, INC.,)	
FEDERAL NATIONAL MORTGAGE)	
ASSOCIATION, and)	
FANNIE MAE REMIC TRUST 2004-21,)	
)	
Defendants.)	

ORDER

Before the Court is defendants' Motion to Dismiss Plaintiff's Amended Petition, filed January 3, 2018. On January 23, 2018, plaintiff filed his response, and on February 1, 2018, defendants filed their reply.

I. Introduction

On or about February 11, 2004, plaintiff executed a note ("Note") in the principal amount of \$110,500.00 in favor of SunTrust Mortgage, Inc. ("SunTrust") secured by the real property located at 12104 Corn Flower Place, Oklahoma City, Oklahoma 73120 ("Property"). The Note was secured by a mortgage on the Property ("Mortgage") in favor of SunTrust, with the Mortgage Electronic Registration System as the beneficiary and nominee for SunTrust.

On May 17, 2013, defendant Federal National Mortgage Association ("Fannie Mae") filed a Petition for Foreclosure of Mortgage in Oklahoma County District Court against plaintiff. Plaintiff was purportedly served by publication and posting. Plaintiff did not answer the petition for foreclosure. On May 24, 2014, the district court entered a default judgment against plaintiff for the balance due on the Note and for foreclosure. On June 17, 2014, plaintiff filed a motion to

vacate the judgment and a motion to answer; both motions were denied. Plaintiff appealed the district court's decision, and on January 13, 2016, the state appellate court affirmed the district court's ruling.

A foreclosure sale was held. Prior to confirmation of the sheriff's sale, plaintiff filed an objection to confirmation. The district court denied plaintiff's objections, and an order confirming the sale was entered on September 1, 2017, confirming the sheriff's sale and disbursing the sale proceeds.

On September 7, 2017, plaintiff filed the instant action. On November 13, 2017, plaintiff filed his Amended Complaint. In this action, plaintiff alleges causes of action for wrongful foreclosure, violation of the Fair Debt Collection Practices Act, intentional infliction of emotional distress, and declaratory judgment. Defendants now move to dismiss this action.

II. Discussion

Defendants assert, in part, that plaintiff's Amended Complaint is barred by the *Rooker-Feldman* doctrine.¹

The *Rooker-Feldman* doctrine bars a party losing in state court from seeking what in substance would be appellate review of the state judgment in a United States district court, based on the losing party's claim that the state judgment itself violates the loser's federal rights. Thus, *Rooker-Feldman* bars cases in federal court that are "inextricably intertwined" with a prior state court judgment.

Johnson v. Riddle, 305 F.3d 1107, 1116 (10th Cir. 2002) (internal quotations and citation omitted).

Having carefully reviewed plaintiff's Amended Complaint and the parties' submissions, the Court finds that this case is barred by the *Rooker-Feldman* doctrine. Specifically, the Court

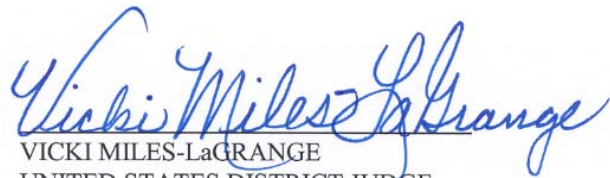
¹ The doctrine's name is derived from the two United States Supreme Court cases out of which it arose, *Rooker v. Fid. Trust Co.*, 263 U.S. 413 (1923) and *Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

finds that in this case, plaintiff is seeking appellate review of the state courts' decisions in the foreclosure case. The Court further finds that this case is "inextricably intertwined" with the prior state court rulings in the foreclosure case. Through the instant action, plaintiff is seeking to overturn the state courts' rulings in the foreclosure case and is requesting that the alleged cloud on the title to the Property be removed and that he be made the owner of record of the Property. The instant action is clearly barred by the *Rooker-Feldman* doctrine.

III. Conclusion

Accordingly, the Court GRANTS defendants' Motion to Dismiss Plaintiff's Amended Petition [docket no. 28] and DISMISSES this action.

IT IS SO ORDERED this 25th day of April, 2018.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE